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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

JUN 19 2006

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/564,774

Filing Date

July 13, 2004

First Named Inventor

Joachim Zimmerman

Art Unit

Examiner Name

13

Attorney Docket Number

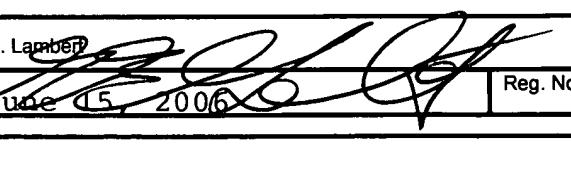
06-003-JZ

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Lambert & Associates		
Signature			
Printed name	Gary E. Lambert		
Date	June 15, 2006	Reg. No.	35,925

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

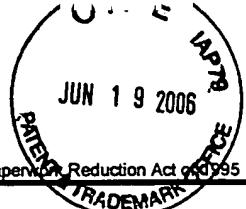
Gary E. Lambert, Reg. No. 35,925

Date

June 15, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2006

## Complete if Known

Application Number	10/564,774
Filing Date	July 13, 2004
First Named Inventor	Joachim Zimmerman
Examiner Name	
Art Unit	
TOTAL AMOUNT OF PAYMENT	(\$)

TOTAL AMOUNT OF PAYMENT (\$)

60.00

Attorney Docket No. 06-003-JZ

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 12-0115 Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

### 2. EXCESS CLAIM FEES

Fee Description Small Entity

Each claim over 20 (including Reissues) 50 25  
Each independent claim over 3 (including Reissues) 200 100  
Multiple dependent claims 360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=				

HP = highest number of independent claims paid for, if greater than 3.

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

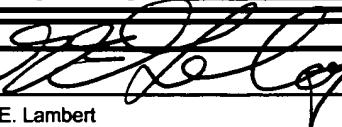
### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition For A One-Month Extension of Time

60.00

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 35,925	Telephone 617-720-0091
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Name (Print/Type)	Gary E. Lambert	Date
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June 15, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Attorney Docket: 06-003-JZ

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Joachim Zimmerman

Serial No. : 10/564,774

PCT International  
Application No.: PCT/EP04/07723

International  
Filing Date : July 13, 2004

Title : MEDICAL APPARATUS

Lambert & Associates  
92 State Street  
Boston, Massachusetts 02109  
June 15, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**COMMUNICATION IN RESPONSE TO NOTIFICATION  
OF MISSING REQUIREMENTS UNDER 35 U.S.C. §371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE  
DO/EO/US AND PETITION FOR A ONE-MONTH EXTENSION OF TIME**

This Communication is submitted in response to a Notification of Missing Requirements Under 35 U.S.C. §371 In The United States Designated/Elected Office (DO/EO/US) issued April 12, 2006 in connection with the above-identified application. A copy of this Notification is attached as **Exhibit A**. A response to the April 12, 2006 Notification was originally due June 12, 2006. Applicants hereby petition for a one-month extension of time for filing a response to the April 12, 2006 Notification. The fee for a one-month extension of time is \$60.00 and a check for this amount is enclosed. Accordingly, with a one-month extension of time a response to the April 12, 2006 Notification is due July 12, 2006 and this response is being timely filed.

06/22/2006 MKAYPAGH 00000104 10564774

60.00 OP

01 FC:2251

Applicant : Joachim Zimmerman  
Serial No. : 10/564,774  
Filed : July 13, 2004  
Page 2

**Remarks**

The April 12, 2006 Notification of Missing Requirements indicates that an oath or declaration of the inventors, in compliance with 37 C.F.R. 1.497(a) and (b), identifying the application by the international application number and international filing date must be submitted. A copy of this Notification is attached as **Exhibit A**.

In response, applicant attaches a copy of a signed Declaration and Power of Attorney in connection with the above-identified application as **Exhibit B**. In compliance with 37 C.F.R. 1.497(a) and (b), this Declaration identifies the above-identified application by the international application number and the international filing date. The surcharge under 37 C.F.R. 1.492(h) for submitting the enclosed Declaration is \$65.00 dollars. A bank transfer of \$65.00 in connection with the above-identified application has been previously forwarded to United States Patent and Trademark Office as payment of this required fee.

Applicant : Joachim Zimmerman  
Serial No. : 10/564,774  
Filed : July 13, 2004  
Page 3

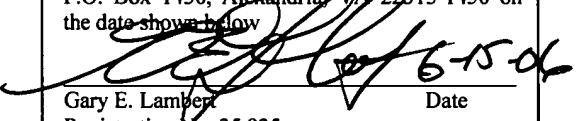
No fee, other than the enclosed check of \$60.00 for a one-month extension of time and the bank transfer of \$65.00, is deemed necessary in connection with the filing of this Communication. If any additional fee is required, authorization is given to charge such amounts to Deposit Account No. 12-0115.

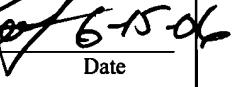
Respectfully submitted,



Gary E. Lambert  
Lambert & Associates  
Direct Dial: 617-742-8782  
Main Line: 617-720-0091

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

  
Gary E. Lambert  
Registration No. 35,925

  
Date  
6-15-06



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/564,774	Joachim Zimmerman	06-003-JZ
INTERNATIONAL APPLICATION NO.		
PCT/EP04/07723		
I.A. FILING DATE		PRIORITY DATE
07/13/2004		07/16/2003
<b>CONFIRMATION NO. 1752</b>		
<b>371 FORMALITIES LETTER</b>		
 *OC000000018504508*		

Date Mailed: 04/12/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/13/2006
- English Translation of the IA filed on 01/13/2006
- Copy of the International Search Report filed on 01/13/2006
- Copy of IPE Report filed on 01/13/2006
- Preliminary Amendments filed on 01/13/2006
- Copy of references cited in ISR filed on 01/13/2006
- U.S. Basic National Fees filed on 01/13/2006
- Priority Documents filed on 01/13/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

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Telephone: (703) 308-9140 EXT 227

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/564,774	PCT/EP04/07723	06-003-JZ

FORM PCT/DO/EO/905 (371 Formalities Notice)